

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 09, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERROD JUSTIN HALE,

Defendant.

No. 4:21-cr-6008-EFS-3

**ORDER GRANTING
DEFENDANT'S MOTION TO
CONTINUE SENTENCING AND
REFERRING THIS MATTER TO
MAGISTRATE JUDGE FOR
APPOINTMENT OF COUNSEL**

On December 8, 2022, the Court held an ex-parte hearing in the above-captioned matter. Defendant Jerrod Justin Hale and defense counsel Ricardo Hernandez were present. After hearing from defense counsel and Defendant, the Court found appointment of new defense counsel was necessary due to a conflict of interest. As such, the Court also found good cause to continue Defendant's sentencing hearing to allow new defense counsel an opportunity to review the record, confer with Defendant, and prepare and file sentencing materials. The

provisions of the Court's prior Order Regarding Schedule for Sentencing that have not been superseded hereby remain in full force and effect.¹

IT IS HEREBY ORDERED:

1. Defendant's sealed Motion and Declaration for Withdrawal of Counsel, **ECF No. 273-0**,² is **GRANTED**.
2. This matter is **REFERRED** to Magistrate Judge Alexander C. Ekstrom for appointment of counsel.
3. Mr. Hernandez shall promptly provide new defense counsel with a copy of this order and the client file.
4. Defendant's sealed Motion and Declaration to Continue Sentencing Hearing, **ECF No. 273-1**, is **GRANTED**.
5. The December 8, 2022 sentencing hearing is **RESET** to **Tuesday, March 28, 2023**, at **1:15 p.m.** in **Richland**.
6. The U.S. Probation Office, by **Tuesday, February 21, 2023**, shall disclose an updated draft PSIR to the Defendant, counsel for Defendant, and the United States.

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¹ See ECF No. 203.

² Rather than submitting two separate filings, it appears that defense counsel inadvertently filed the continuance request (ECF No. 273-1) as an attachment to the simultaneously filed motion to withdraw as counsel (ECF No. 273-0).

1 **7.** Counsel for each party, by **Tuesday, March 07, 2023**, shall:

2 **A.** communicate in writing to the U.S. Probation Office any
3 objections to the updated draft PSIR; and

4 **B.** file and serve all motions and memoranda pertaining to
5 Defendant's sentence, including motions for downward or
6 upward departures and/or variances.

7 **8.** The U.S. Probation Office, by **Saturday, March 18, 2023**, shall
8 submit the finalized updated PSIR and sentencing recommendations
9 to the Court.

10 IT IS SO ORDERED. The Clerk's Office is directed to enter this order and
11 to provide copies to counsel, Magistrate Judge Ekstrom, the U.S. Probation Office,
12 and the U.S. Marshals Service.

13 **DATED** this 9th day of December 2022.

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16 EDWARD F. SHEA
17 Senior United States District
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